

REMARKS

RESPONSE TO RESTRICTION REQUIREMENT

In the Office Action of May 18, 2006, at page 2, the Examiner has presented a two-way restriction of Applicants' invention, as between:

- I. Claims 1-16, drawn to a method of coamplification.
- II. Claims 17-22, drawn to an amplification reaction kit or device comprising amplification reagents and a solid support.

The Examiner reasons as follows: Group I is deemed to be distinct from Group II in that the amplification kit and device of Group II can be used in methods that are separate and distinct from the coamplification method of Group I. Applicants traverse this requirement and request consideration of all claims together in this application, for the reasons set forth below.

Claims 17, 20, and 21 (Group II), have been amended to more clearly define the nature of Applicants' invention. Specifically, independent Claim 17 (coamplification reaction composition), independent Claim 20 (kit for coamplification), and independent Claim 21 (test device), have been amended to indicate that the composition, kit, and test device, respectively, recited therein, are for use in the coamplification method claimed in any one of independent Claims 1, 2, 3, or 4 (all Group I).

Claims 18 and 19 (dependent from Claim 17) and independent Claim 22 have been amended to clarify that the subject matter of these claims is directed to "coamplification" of two or more target nucleic acids. As such, Claims 17-22 all refer to and are directly related to the coamplification method claims of Group I. No new matter is added by the amendments to the claims.

For the reasons set forth above, Applicants assert that the amendments to Claims 17, 20, and 21 clarify that all claims now pending refer to a single inventive concept. The pending claims as amended all relate and refer to the coamplification method of the Group I claims and do not represent separate or distinct inventions. Consequently, the search and examination of all claims together in one application is proper, and withdrawal of the restriction requirement is requested.

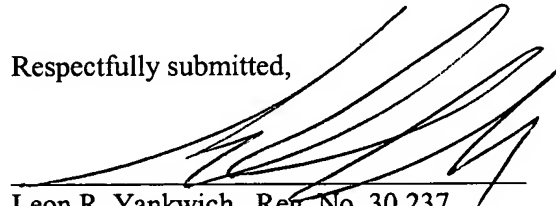
Conclusion and Provisional Election

Applicants submit that in view of the foregoing amendments, all the claims are seen to relate to a single inventive concept, and the claims are in a form and are of the sort that is properly viewed as relating to a single invention that should not be restricted under 35 U.S.C. §121. Applicants therefore request that the restriction requirements of the Office Action of May 18, 2006 be reconsidered and withdrawn.

Although, for reasons set forth above in detail, Applicants believe that the reasons for restriction have been obviated, in order to be fully responsive to the Office Action, Applicants provisionally elect for examination the claims of Group I, i.e., Claims 1-16.

For the reasons set forth above, entry of the amendments and withdrawal of the restriction requirement set forth in the Office Action of May 18, 2006 are respectfully requested. Examination on the merits and allowance of all claims are requested.

Respectfully submitted,

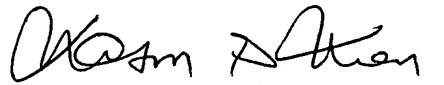


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June 19, 2006
date


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